

# No Reprieve for Dogs on the Beach

By SUSANNA SHEEHAN

A standing-room only crowd packed the selectmen's meeting Monday night to complain about the ban on dogs from Duxbury beach during the summer. The meeting ended with the ban still in place. However, the beach's owner, the Duxbury Beach Reservation, Inc. agreed to consider residents' ideas for measures that would allow dogs to come back

in the future.

The main question residents wanted answered was why a total ban on dogs had been instituted instead of incremental steps that included enforcing the existing leash laws. Also, people wanted to understand why the killing of two piping plover chicks last summer by vehicles ultimately resulted in the ban of dogs. Over 50 residents attended the meeting.

On Dec. 3, 2001, Duxbury selectmen banned dogs from the entire beach from April 1 to August 31 — the time the piping plovers are on the beach — at the recommendation of the Duxbury Beach Reservation. This action was requested by state officials who sought increased protection for the plover, a migratory shore bird that

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is protected under state and federal endangered species laws. Closing the beach to dogs in the summer will help protect the birds and chicks during their nesting, hatching and fledging season. Ten to 12 piping plover pairs nest on Duxbury beach each summer. The Reservation pays \$50,000 for monitors to watch and record the birds' daily actions. Monitors are employees from the harbormaster's coastal and natural resources department.

Residents at the meeting felt that dogs should be allowed on the beach with a leash and the pet owners who violated this rule should be fined by police and have their beach permits revoked. One person suggested dog owners could be issued a special permit to have their dogs on the beach that could be revoked after any violation. Enforcement was the issue, they said. They called for allowing dogs back on the beach and strict leash law enforcement.

Harbormaster Don Beers said his department has not enforced the leash law with fines, but has tried to educate violators.

Selectmen chairman Andre Martecchini said town officials would be harpooned if they turned the beach into a "police state."

"Yes, we could (issue fines and tickets), and we will be lambasted if we go out there and ticket you and you and you," said Martecchini. "Whatever we enforce, people will come back and accuse us of being a police state and the Gestapo out there."

At the recommendation of the town Beach Committee, the selectmen two years ago prohibited dogs from the beach from May 1 through September 1. Removing dogs from the bathing beach in the summer was instituted for health reasons, said Dan Baker, chairman of the Beach Committee and a member of the Reservation's Beach Technical Committee.

Under these rules, dogs have not been allowed on the front beach south to the poles where the over-sand vehicle area begins. They are also prohibited from the back beach north of the Powder Point Bridge adjacent to the resident parking lot. Any dog in an authorized area must be leashed. These rules are in the pamphlet that is given to everyone who buys a beach sticker. However, people have ignored these rules, said Baker.

"The rules are clearly stated in the handout," said Baker. "People have shown an unwillingness to comply" with these rules. He said that every time he goes to the beach, he witnesses unleashed dogs in areas they shouldn't be and also sees dog paw prints in prohibited areas.

Al Vautrinot, chairman of the Duxbury Beach Reservation's Beach Technical Committee,

explained that the total ban on dogs in the summer is the Reservation's attempt to comply with the Massachusetts guidelines for managing recreational beaches and protecting piping plovers.

"Compliance with this particular guideline has been an

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ongoing problem," said Vautrinot, reading from a prepared statement. "Previously, we had allowed dogs to be unleashed as long as they were 'under the direct control of the owner.' Unfortunately, some owners felt this meant that if their dogs could be seen with binoculars, they were under direct control. This fact required us to implement a leash law. Even then many pet owners have allowed their dogs to run free on the beach. Dogs are a major disturbance to all shore birds, especially plovers. Just the sight of a dog, whether leashed or not, instantly puts plovers into a defensive mode, often causing them to leave their nests and eggs or young."

To answer the confusion about why the dog ban was implemented when it was vehicles that killed the plovers, Vautrinot explained that the recommendation to ban dogs from the entire beach during the summer came from Dr. Scott Melvin of the state Fish and Wildlife agency.

A meeting was held in October with the Beach Reservation, Melvin, and Susan Van Oetingen of the US Fish and Wildlife Service and the Mass. Audubon Society to review the Reservation's management of the beach after two plover chicks were killed by vehicles in the summer. The deaths occurred at night after police and the Coast Guard closed the beach in June to search for a woman who was thought to have drowned. The piping plover chicks were found near the road that runs from the bridge to the Gurnet/Saquish area at the tip of the beach. When the officials closed the beach, the monitors were not allowed in to watch the birds.

"Although it was agreed that the loss was probably due to extraordinary circumstances beyond our control, Dr. Melvin and Ms. Oetingen took the opportunity to review regulatory concerns and make several recommendations regarding potential weaknesses in our program," explained Vautrinot.

Vautrinot said the Reservation wanted to follow all of Melvin's recommendations because he is the Massachusetts Rare Species Consultant and is



a "reasonable" person. Melvin gave the Reservation 30 days in which to comply with these requests.

Also, for several years, representatives from Mass. Audubon have recommended dogs be banned from the beach during plover nesting season, said Vautrinot.

In addition to prohibiting dogs in the summer, the Reservation modified its management plan to include: lowering the vehicular speed limits; providing additional signs; closing the roadway south of the first crossover to recreational vehicles after 8 pm; closing the front and back beaches south of the first crossover after 8 pm; not grading the road from April 15 to August 15; providing additional plover monitors and making sure the symbolic fencing meets guidelines. The Reservation is working with the Gurnet/Saquish Association to devise a system to better control traffic to that area.

"The dogs have nothing to do with cars, the cars have nothing to do with dogs," said Vautrinot.

Shawn Dahlen of the Reservation's Beach Technical Committee, explained that there was no link between the killing of the two plovers by vehicles and the ban on dogs.

"The issue has nothing to do with the two birds that died," said Dahlen. "The issue is us not complying with federal guidelines. We bend over backwards trying to preserve as much usage as possible on Duxbury beach."

Residents were also bothered by the swiftness with which the dog ban came about.

"I thought we lived in a democracy, but there was no warning," said one resident.

Vautrinot said Melvin gave the Reservation only 30 days to address his recommendations. This was not enough time to discuss options to a dog ban, said Vautrinot.

"There was no warning," said Selectman Margaret Kearney who attended the meeting with Melvin. "The town of Duxbury does not own the beach. The Duxbury Beach Reservation has to answer to state and federal authorities."

"We're talking about five months, not the whole year," added Kearney.

Lester Smith of the Reservation's Beach Technical Committee said he had heard some good ideas but he wanted the whole committee to discuss them in depth.

"We're happy to look into other things but not for this year," said Vautrinot.

Kearney and Martecchini said they were glad to hear the Reservation would consider what had been discussed.

Conservation Administrator Joe Grady suggested people walk their dogs at other locations such as Bay Farm, Round Pond, and the Duxbury cranberry bogs of East St.